

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Richard Angelo McFee,

CIVIL NO. 11-3614 (SRN/LIB)

Plaintiff,

v.

ORDER

State of Minnesota, and  
Ramsey County,

Defendants.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated January 24, 2012. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
2. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
3. Plaintiff is required to pay the unpaid balance of the court filing fee, namely \$303.25, in accordance with 28 U.S.C. § 1915(b)(2); and
4. The dismissal of this action is counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 14, 2012

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge